

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AMANDA NORTHROP,

Plaintiff,

v.

Case No. 3:16-cv-01185-JPG-DGW

ABOVE AND BEYOND KITCHENS AND BATH,
LLC, MODERN CONSTRUCTION CORPORATION,
and C. ROBERT CHERRY,

Defendants.

MODERN CONSTRUCTION CORPORATION, and C.
ROBERT CHERRY,

Third-Party Plaintiffs,

v.

FRESENIUS MEDICAL CARE,

Third-Party Defendant.

MEMORANDUM & ORDER

This matter comes before the Court on the Notice of Dismissals (Docs. 71, 73) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by third-party plaintiffs Modern Construction Corporation and C. Robert Cherry. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The third-party defendant—Fresenius Medical Care—has not served an answer or motion for summary judgment in this case. Because Modern Construction Corporation and C. Robert Cherry have an absolute right to dismiss their complaints at the present time, the Court finds that these third-party complaints against Fresenius Medical Care are DISMISSED with prejudice.

IT IS SO ORDERED.

DATED: August 25, 2017

**s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE**